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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,512	07/16/2004	Harvey Koselka	VR-P0003	4511
36067	7590	06/27/2006	EXAMINER	
DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			HUBER, JEREMIAH C	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/710,512		KOSELKA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jeremiah C. Huber		2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosaka et al (20050237385).

In regard to claim 34 Kosaka discloses a system for calculating distances to objects within three dimensional space in an environment including horizontal and vertical lines using an angled axis machine vision system including (Kosaka Figs 1-2 and 5-6 and pars 105-124, particularly 107, 112 117 and 119);

A first and second camera mounted coplanar wherein the first and second camera comprise collinear horizontal center lines (Kosaka figs. 2, 6 and 18-19 and par.

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249, note fig. 6 is described with respect to imaging apparatus of fig. 2, par. 249 states that figs 19A which is equivalent to fig 2 can also be implemented by the apparatus of figs 19B which is equivalent to 18);

A camera mount coupled with said first camera and second camera wherein said camera mount is rotated in a first axial angle about a roll axis defined as perpendicular to a plane in which the first and second camera are mounted (Kosaka fig. 6 86c and par. 129); and

A computer coupled with the first and second camera and configured to calculate a distance using a first picture obtained from the first camera and a second picture obtained from the second camera to a feature found along an epipolar line parallel to the collinear horizontal center lines (Kosaka fig. 1 #18 and paragraph 112 shows a processing apparatus, or computer coupled to the imaging device, figs. 21-22 show determining distance to a feature along epipolar lines, fig. 21B shows a rectified image with epipolar lines parallel to the horizontal center lines also see pars 288 to 325 for detailed operation).

It is noted that Kosaka does not explicitly disclose rotation ranges of the camera mount (Kosaka fig. 6). However, the examiner takes official notice that camera mounts capable of rotating to any angle between 0 and 90 degrees where common and notoriously well known in the art at the time of the invention. Further the mount disclosed by Kosaka (Kosaka Fig. 6) appears to have the capability to rotate from at least 0 to 90 degrees as there appears to be no member restricting rotation to less than 90 degrees. It is therefore considered obvious that one of ordinary skill in the art at the

time of the invention would recognize the advantage of including in rotation between 0 and 90 degrees in the mount of Kosaka as well known in the art and suggested by Kosaka in order to gain a wider stabilization range.

In regard to claims 35-37 refer to the statements made in the rejection of claim 34 above. Note 45, 37 and 27 degrees are all within the range of 0 to 90 degrees whose scope is addressed in regard to claim 34.

In regard to claim 38 refer to the statements made in the rejection of claim 34 above. Kosaka further discloses that the camera mount can be rotated in a second axial angle about a pitch axis defined as parallel to an axis that runs through the first and second camera an orthogonal to the roll axis (Kosaka fig. 6 #86b and par. 129).

In regard to claims 39-43 and 44-48, refer to the statements made in the rejection of claims 34-38 above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 34-48 filed 6/1/2006 have been considered but are moot in view of the new ground(s) of rejection.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremiah C Huber  
Examiner  
Art Unit 2621



YOUNG LEE  
PRIMARY EXAMINER